THE HON'BLE SRI JUSTICE N.V. RAMANA

W.P. No. 11554 of 2004

Oral order:

The petitioner states that his father late Mahboob Ali purchased an extent of 500 Sq. yds. of land in Siddipet, Medak District under an unregistered sale deed dated 20-9-1966 from his vendor Mohd. Abdul Samad, and having purchased the same, they constructed a compound wall around it and also three rooms therein, which were allotted house numbers by the municipality, and since then, they are living in the said rooms by paying municipal tax and electricity consumption charges. The petitioner states that after the demise of his father during 1974, he and his two brothers, who are in government service, worked at different places, and resided in places other than Siddipet, and presently, he is staying in Hyderabad.

During the stay of the petitioner and his brothers at different places by reason of their employment, the petitioner states that respondent issued notices in succession, one of which is dated
28-1-1998, stating that the land in possession of the petitioner and his family members belongs to the Government and that they would be evicted. Pursuant to the said notices, the petitioner and his family members, made several representations, latest being on
28-1-2004, requesting the respondent to grant house site pattas in accordance with the G.Os. in force. As no action had been taken on the said representations, the petitioner filed the present writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue for the respondent.

The learned counsel for the petitioner submits that the land in an extent of 500 Sq. yds., which is in possession of the petitioner and his family members, was purchased by their father under unregistered sale deed dated 20-9-1966. And having constructed three rooms therein, they are staying by paying municipal tax and electricity consumption charges. While so, the respondent issued notices stating

that the land in their possession belongs to the Government. The petitioner states that his father had purchased the land under bona fide belief that the same is not a Government land, and as they are living in the said land since a long time, the learned counsel for the petitioner submits that the petitioner and his family members are entitled for grant of patta, and therefore, they applied for grant of house site pattas to each of them in an extent of 100 Sq. yds. in accordance with the relevant and extant G.Os., and though such requests were made in succession, no action had been taken thereon. The inaction on the part of the respondent in not considering the representation of the petitioner and his family members is illegal and arbitrary. He submits that the respondent is under an obligation to consider the representation of the petitioner and his family members and pass appropriate orders granting house site pattas to them in respect of the land held by them.

The petitioner is not entitled to grant of any relief, much less the relief of consideration of his case for grant of house site patta, in respect of the land allegedly said to be in possession of the petitioner and his family members. The petitioner admittedly is a retired government employee and now a pensioner. As per the rules in vogue, only persons living below the poverty line are eligible for regularization of their encroachments. Neither the petitioner nor his brothers, can at any rate be said to be persons living below the poverty line, for according to the petitioner, he and his brothers were in government service. This apart, the petitioner is presently a resident of Hyderabad, and he cannot claim grant of house site patta in Siddipet. Though the petitioner claims that he is a resident of Siddipet, if one goes by the averments made by the petitioner in the affidavit filed in support of the writ petition, it would become clear that neither the petitioner nor his brothers lived in Siddipet for a substantial period, for they having been in the service of the government, had always lived at places other than Siddipet. Be that as it may, when the petitioner was confronted as to how a person living in Hyderabad can claim grant of patta in Siddipet, the petitioner filed an additional affidavit stating that he in fact is a permanent resident of Siddipet, but for the last six months he is temporarily living in Hyderabad with one of his relatives, having regard to the fact that he is not keeping good health. The stand taken by the petitioner in the affidavit and additional affidavit is at variance and does not cohere with each other. It may be noticed that house site pattas in a village are granted to the people living therein keeping in view their economic status and other eligibility criteria, but certainly not to outsiders. The petitioner having been in government service and presently a pensioner and a resident of Hyderabad, and

having spent most part of his life in Hyderabad, cannot be said to be eligible for grant of house site patta in Siddipet. In that view of the matter, no exception can be taken to the action of the respondent in not considering the case of the petitioner and his family members for grant of house site pattas nor any direction can be given to the respondent to consider such a request.

The writ petition is bereft of merit, and the same is accordingly dismissed. No costs.

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N.V. RAMANA, J.

Date: July , 2004.

KSR